

PATENT COOPERATION TREATY

PCT/EP2003/006827

Ausl.-Gr.

D. Schmidt

PCT

From the INTERNATIONAL BUREAU

NOTIFICATION OF THE RECORDING OF A CHANGE

(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

To:

BAYER HEALTHCARE AG
Law and Patents
Patents and Licensing
51368 Leverkusen
Germany

Bayer AG
Bayer Business Services
Law and Patents

02. März 2004

EINGANG

Date of mailing (day/month/year)
25 February 2004 (25.02.2004)

Applicant's or agent's file reference
Lio 496-WO

International application No.
PCT/EP2003/006827

IMPORTANT NOTIFICATION

International filing date (day/month/year)
27 June 2003 (27.06.2003)

1. The following indications appeared on record concerning:

☒ the applicant ☐ the inventor ☐ the agent ☒ the common representative

Name and Address

BAYER AKTIENGESELLSCHAFT
51368 Leverkusen
Germany

State of Nationality

DE

State of Residence

DE

Telephone No.

0214/30 71166

Facsimile No.

0214/30 53482

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☒ the person ☐ the name ☐ the address ☐ the nationality ☐ the residence

Name and Address

BAYER HEALTHCARE AG
51368 Leverkusen
Germany

State of Nationality

DE

State of Residence

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Telephone No.

0214/30 71166

Facsimile No.

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Teleprinter No.

3. Further observations, if necessary:

ASSIGNMENT.

4. A copy of this notification has been sent to:

☒ the receiving Office ☒ the designated Offices concerned
☐ the International Searching Authority ☐ the elected Offices concerned
☐ the International Preliminary Examining Authority ☐ other:

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 338.89.75

Authorized officer

Rosana REYES (Fax : 338 89 75)

Telephone No. (41-22) 338 8471

INTERNATIONAL SEARCH REPORT

International Application No.

PCT/EP 03/000000

A. CLASSIFICATION OF SUBJECT MATTER IPC 7 C12N9/12 C07K14/705 C12N15/52 C12N15/63 C12N5/10 G01N33/50 G01N33/53 A61K38/43		
According to International Patent Classification (IPC) or to both national classification and IPC		
B. FIELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols) IPC 7 C12N C07K G01N A61K		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
Electronic data base consulted during the International search (name of data base and, where practical, search terms used) EPO-Internal, BIOSIS, SEQUENCE SEARCH, WPI Data		
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 95 33499 A (SNODGRASS HIRAM R ;UNIV NORTH CAROLINA (US); GRAHAM DOUG (US); DAW) 14 December 1995 (1995-12-14) page 7 -page 10 page 12, line 32 - line 36 page 13, line 1 - line 6 page 13, line 35 - line 37 page 14, line 1 - line 8 page 15, line 8 - line 12 page 16 -page 17 SEQ ID NOs: 1 and 2 <div style="text-align: center; margin-top: 20px;"> --- -/-- </div>	1-17
<div style="display: flex; justify-content: space-between;"> <input checked="" type="checkbox"/> Further documents are listed in the continuation of box C. <input checked="" type="checkbox"/> Patent family members are listed in annex. </div>		
<div style="display: flex;"> <div style="flex: 1;"> <p>* Special categories of cited documents:</p> <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier document but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p> </div> <div style="flex: 1;"> <p>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.</p> <p>"&" document member of the same patent family</p> </div> </div>		
Date of the actual completion of the international search <div style="text-align: center; font-weight: bold;">8 October 2003</div>		Date of mailing of the international search report <div style="text-align: center; font-weight: bold;">31/10/2003</div>
Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016		Authorized officer <div style="text-align: center; font-weight: bold; margin-top: 20px;">Grötzinger, T</div>

INTERNATIONAL SEARCH REPORT

International Application No.

PCT/EP 03/027

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>IWASE T ET AL: "IDENTIFICATION OF PROTEIN-TYROSINE KINASE GENES PREFERENTIALLY EXPRESSED IN EMBRYO STOMACH AND GASTRIC CANCER"</p> <p>BIOCHEMICAL AND BIOPHYSICAL RESEARCH COMMUNICATIONS, ACADEMIC PRESS INC. ORLANDO, FL, US, vol. 194, no. 2, 30 July 1993 (1993-07-30), pages 698-705, XP002014925</p> <p>ISSN: 0006-291X</p> <p>the whole document</p>	1-17
X	<p>O'BRYAN J P ET AL: "AXL A TRANSFORMING GENE ISOLATED FROM PRIMARY HUMAN MYELOID LEUKEMIA CELLS ENCODES A NOVEL RECEPTOR TYROSINE KINASE"</p> <p>MOLECULAR AND CELLULAR BIOLOGY, vol. 11, no. 10, 1991, pages 5016-5031, XP009018736</p> <p>ISSN: 0270-7306</p> <p>the whole document</p>	1-17

INTERNATIONAL SEARCH REPORT

International application No.
PCT/E.../06827

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
Although claim 13 embraces a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the agent.
2. ☒ Claims Nos.: 13, 14
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claims Nos.: 13,14

Present claim 13 relates to the use of an agent that binds to the receptor tyrosine kinase of the present application or the gene encoding the same for reducing the activity of the receptor tyrosine kinase. Present claim 14 relates to the agent as such. Thus, claims 13 and 14 relate to an extremely large number of possible uses/agents. Support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT is to be found, however, for only a very small proportion of the uses/agents claimed. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Consequently, the search has been carried out for those parts of the claims which appear to be supported and disclosed, namely those parts relating to antibodies (e.g., page 8, first paragraph), antisense oligonucleotides (e.g., page 21, last paragraph), and ribozymes (e.g., page 22, last paragraph).

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/EP 03/0177

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
WO 9533499	A	14-12-1995	US	5585269 A	17-12-1996
			AU	2690595 A	04-01-1996
			WO	9533499 A1	14-12-1995

PCT REQUEST

Original (for SUBMISSION) - printed on 26.06.2003 09:59:34 AM

VIII-3-1	Declaration: Entitlement to claim priority Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)): Name:	in relation to this international application BAYER AKTIENGESELLSCHAFT is entitled to claim priority of earlier application No. 60/391,933 by virtue of the following:
VIII-3-1 (iv)		an assignment from LIOU, Jiing-Ren to BAYER AKTIENGESELLSCHAFT, dated 24 September 2002 (24.09.2002)
VIII-3-1 (ix)	This declaration is made for the purposes of:	all designations

PCT REQUEST

Lio 496-WO

Original (for SUBMISSION) - printed on 26.06.2003 09:59:34 AM

VIII-3-2	Declaration: Entitlement to claim priority Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)): Name:	in relation to this international application BAYER AKTIENGESELLSCHAFT is entitled to claim priority of earlier application No. 60/432,669 by virtue of the following:
VIII-3-2 (iv)		an assignment from LIOU, Jiing-Ren to BAYER AKTIENGESELLSCHAFT, dated 19 March 2003 (19.03.2003)
VIII-3-2 (ix)	This declaration is made for the purposes of:	all designations